IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of :   Francis J. Carr

Serial No.: 09/937,100   Group Art Unit: 1639

Filed: September 20, 2001   Examiner: T. D. WESSENDORF

For: PROTEIN ISOLATION AND ANALYSIS

<u>**REPLY**</u>

Commissioner for Patents
Washington, D.C. 20231

Sir:

        This communication is responsive to the office action dated April 18, 2003.
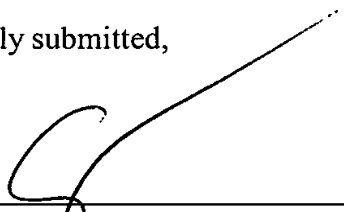
        In response to the restriction requirement, applicants elect Group I (claims 1-15), with traverse. It is respectfully submitted that the subject matter of the claims does have unity of invention. For example, the claimed methods of Groups I-IV relate to a method of protein identification or screening via, for example, binding to a target (e.g., identification or screening for specific antibody domains via binding to an antigen). Furthermore, a search of methods of Groups I-IV would be co-extensive, and would not represent a serious search burden for the patent office. Absent a serious burden of examination, restriction is not proper. See M.P.E.P. § 803. Thus, the requirement should be withdrawn.
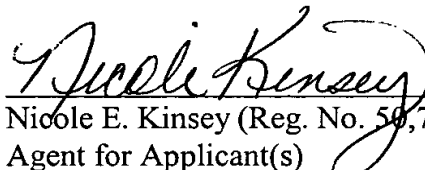
MERCK-2309

As for the requirement to elect a species for search purposes, applicants elect from claim 20 a "mixture of molecules." However, applicants are not clear as to why the Examiner has required this election. In the present application, claim 20 depends from claim 17, which falls under Group II, and the "species" of claim 20 (i.e., the target molecules) are not recited in claims 1- 15 (Group I). Applicants request clarification.

No fee is believed to be due with this response, however, the Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,

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